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Matthew Franklin Jaksa (CA State Bar No. 248072)  
 HOLME ROBERTS & OWEN LLP  
 560 Mission Street, 25<sup>th</sup> Floor  
 San Francisco, CA 94105-2994  
 Telephone: (415) 268-2000  
 Facsimile: (415) 268-1999  
 Email: matt.jaksa@hro.com

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U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiffs,  
 ELEKTRA ENTERTAINMENT GROUP INC.; BMG  
 MUSIC; CAPITOL RECORDS, INC.; MOTOWN  
 RECORD COMPANY, L.P.; SONY BMG MUSIC  
 ENTERTAINMENT; INTERSCOPE RECORDS; and  
 WARNER BROS. RECORDS INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

ADR

ELEKTRA ENTERTAINMENT GROUP INC.,  
 a Delaware corporation; BMG MUSIC, a New  
 York general partnership; CAPITOL  
 RECORDS, INC., a Delaware corporation;  
 MOTOWN RECORD COMPANY, L.P., a  
 California limited partnership; SONY BMG  
 MUSIC ENTERTAINMENT, a Delaware  
 general partnership; INTERSCOPE RECORDS,  
 a California general partnership; and WARNER  
 BROS. RECORDS INC., a Delaware  
 corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO.

007-04863

**EX PARTE APPLICATION FOR LEAVE  
 TO TAKE IMMEDIATE DISCOVERY**

B7

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
 2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
 3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
 6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
 7 third party Internet Service Provider ("ISP") to determine the true identity of Defendant John Doe  
 8 ("Defendant"), who is being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant, without authorization, used an online media  
 10 distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted works to  
 11 the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have identified  
 12 Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date and time  
 13 of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
 15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail  
 16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot  
 17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated  
 18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
 20 Rule 26(f) conference where there are no known defendants with whom to confer.

21 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the  
 22 foregoing requested discovery immediately.

23 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

24 By: 

25 MATTHEW FRANKLIN JAKSA

26 Attorney for Plaintiffs

27 ELEKTRA ENTERTAINMENT GROUP INC.;

28 BMG MUSIC; CAPITOL RECORDS, INC.;

MOTOWN RECORD COMPANY, L.P.; SONY

BMG MUSIC ENTERTAINMENT; INTERSCOPE  
 RECORDS; and WARNER BROS. RECORDS INC.